

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	George M. Marovich	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6668	DATE	June 17, 2008
CASE TITLE	Kaplan v. Davidson & Grannum, LLP, et al.		

DOCKET ENTRY TEXT:

The Court *sua sponte* orders defendants to file by June 30, 2008 an amended jurisdictional pleading that includes proper citizenship allegations for defendant Davidson & Grannum, LLP.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Barbara Kaplan (“Kaplan”) filed in the Circuit Court of Cook County a six-count complaint against defendants Davidson & Grannum, LLP, Sandra D. Grannum (“Grannum”) and David L. Becker (“Becker”).

Defendants removed the case to federal court on the basis of diversity jurisdiction. In their notice of removal, defendants asserted, among other things, that Kaplan seeks some \$70,000,000.00. Defendants also stated that Kaplan is a citizen of Illinois and that defendants Grannum and Becker are citizens of New York.

Where defendants’ notice of removal goes wrong, however, is with respect to their assertion that defendant Davidson & Grannum, LLP is “a limited liability partnership located in the States of New York and New Jersey.” That assertion does not establish that the parties are diverse. As the Seventh Circuit has explained many times:

There is no such thing as ‘a [state name] limited partnership’ for purposes of the diversity jurisdiction. There are only partners, each of whom has one or more citizenships.

Hart v. Terminex Int’l, 336 F.3d 541, 544 (7th Cir. 2003) (quoting *Guaranty Nat’l Title Co. Inc. v. JEG Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996)). Courts “look to the citizenship of all partners” when determining the citizenship of the partnership. *Lear Corp. v. Johnson Elect. Holdings LTD.*, 353 F.3d 580, 582 (7th Cir. 2003).

STATEMENT

So that the Court may determine whether it has jurisdiction over this case, the Court hereby orders defendants to file by June 30, 2008 an amended jurisdictional pleading, in which pleading they state the citizenship of every partner of Davidson & Grannum, LLP.